

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT GUDU - ABUJA**  
**ON TUESDAY THE 16<sup>TH</sup> DAY OF FEBRUARY 2021.**  
**BEFORE HIS LORDSHIP; HON. JUSTICE MODUPE R. OSHO-ADEBIYI**  
**SUIT NO. CR/10/2018**

**COMMISSIONER OF POLICE ----- COMPLAINANT**

**AND**

- 1. ISRAEL OKPOBO-----DEFENDANT/APPLICANT**
- 2. ANETOR CHARLES-----DEFENDANT**
- 3. FEMI EMMANUEL-----DEFENDANT**
- 4. SAMUEL OGBA-----DEFENDANT**
- 5. SUNDAY OKPOBO -----DEFENDANT**

**RULING**

I have considered the applicants motion, affidavit and written address. The question to be determined is whether or not the Applicant has made out a case to justify the variation of the bail conditions granted by this court in favour of the Applicant.

The application is seeking for the Court to vary the bail condition which requires two sureties to be varied to one surety. I have considered the prayer sought by the Applicant. It is pertinent to note at this point that the offences for which the Defendant along with other Defendants are charged is for conspiracy and culpable homicide, which offence is not only punishable with death but it is not aailable offence. Section 167 (1)

of Administration of Criminal Justice Act 2015 requires the Court to grant

bail on the term that the defendant is to produce such surety whom in its position will be sufficient to ensure the appearance of the Defendant in Court as and when required. The conditions of bail granted by this Court will of necessity suffice and serve to ensure the sureties produce the Defendant in court as and when required.

This court is circumspect to vary the bail conditions, consequently, this application is hereby refused.

**Parties:** Applicant absent.

**Appearances:** Dickson Sofiyagha, Esq., for the 1<sup>st</sup> Defendant/Applicant.

Prosecution not represented.

**HON. JUSTICE MODUPE R. OSHO-ADEBIYI  
JUDGE  
16<sup>TH</sup> FEBRUARY 2021**